IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF TEXAS SHERMAN DIVISION

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CHERYL PITTMAN,

Plaintiff,

CIVIL ACTION NO. 4:19-cv-00397-RWS-KPJ

v.

U.S. BANK NA, SUCCESSOR TRUSTEE TO BANK OF AMERICA, NA, SUCCESSOR IN INTEREST TO LASALLE BANK NA, ON BEHALF OF THE REGISTERED HOLDERS OF BEAR STEARNS ASSET BANKED SECURITIES I TRUST 2006-HE5, ASSET B,

Defendants.

ORDER

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The above-entitled and numbered civil action was heretofore referred to United States Magistrate Judge Kimberly Priest Johnson pursuant to 28 U.S.C. § 636. On July 9, 2019, the Magistrate Judge issued a Report and Recommendation (Docket No. 13), recommending Plaintiff's Memorandum in Support of Emergency Preliminary Injunction & Temporary Restraining Order (Docket No. 9) be denied.

Plaintiff received a copy of the Magistrate Judge's Report but filed no objections thereto;¹ accordingly, she is not entitled to *de novo* review by the District Judge of those findings, conclusions and recommendations, and except upon grounds of plain error, she is barred from appellate review of the unobjected-to factual findings and legal conclusions accepted and adopted by the District Court. 28 U.S.C. § 636(b)(1)(C); *Douglass v. United Servs. Auto. Assoc.*, 79 F.3d 1415, 1430 (5th Cir. 1996) (en banc).

¹ Plaintiff was proceeding *pro se* at the time the Report and Recommendation was issued. Plaintiff has since retained counsel. Plaintiff's counsel filed an appearance on July 30, 2019 (Docket No. 16).

Nonetheless, the Court has reviewed the pleadings in this cause and the Report of the Magistrate Judge and agrees with the Report of the Magistrate Judge. *See United States v. Raddatz*, 447 U.S. 667, 683 (1980) ("[T]he statute permits the district court to give to the magistrate's proposed findings of fact and recommendations 'such weight as [their] merit commands and the sound discretion of the judge warrants '") (quoting *Mathews v. Weber*,

ORDERED that the report of the Magistrate Judge is **ADOPTED** and the Memorandum in Support of Emergency Preliminary Injunction & Temporary Restraining Order (Docket No. 9) is **DENIED**.

So ORDERED and SIGNED this 18th day of September, 2019.

23 U.S. 261, 275 (1976)). It is therefore

ROBERT W. SCHROEDER III UNITED STATES DISTRICT JUDGE